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Dockets Management System
Department of Transportation
Room PL 401
400 7th Street, SW,
Washington, DC 20590-0001

REFERENCE: Docket RSPA-2002-13658 (HM-215E)

Dear Dr. Robert A. McGuire:

PPG Industries, Inc. submits the following comments to the referenced docket. PPG Industries, Inc. is a global manufacturer of Glass, Fiber Glass, Chemicals, and Coatings with sales exceeding \$8 billion. PPG produces and ships hazardous materials worldwide and is committed to the principles of Responsible Care[®].

Section 171.14

A new provision needs to be added to paragraph (a) reading "Packages previously marked as limited quantities under regulations as of September 30, 2003 may continue to be shipped as limited quantities until October 1, 2006."

This provision will allow limited quantity packages, which are now required in 172.301(a)(1) only to be marked with the proper shipping name, to continue through the distribution system to the customer without having to be remarked under the limited quantity marking proposed in §172.315. As an example, a three-year transition period was authorized for previously marked DOT specification packages made obsolete (see 171.14(a)(2)) on October 1, 1996.

Section 172.102

The proposed special provision 149, which is applied to packing group II entries for some specific identification numbers in the Hazardous Materials Table, is stated to allow inner packagings up to 5 liters for limited quantities. There is no mention in this special provision for allowing the use of consumer commodity provisions for packages designated as limited quantities. The exceptions section for these flammable liquid entries is §173.150. In paragraph (c) of this section, consumer commodities are restricted to the size limitations in paragraph (b), which only allow for 1-liter inner containers for packing group II materials.

The special provision 149 should be modified to state, "When transported as a limited quantity or consumer commodity, the maximum net capacity for inner packagings may be increased to 5 L (1.3 gallons)." to clarify this provision.

Section 172.202

- The third sentence in the proposed change to 172.202(a)(2) should be deleted since it is redundant.

PPG generally includes subrisks on computer generated shipping papers since the subrisk information is needed on international shipments and is contained in data files. The subsidiary risk information on shipping papers is not necessary for carriers to select the appropriate placards since subsidiary risks need not be considered for placarding except in a few special cases in 49 CFR 172.505.

- The proposed wording in 172.202(a)(5) is confusing. Adding the information from the marine requirements without any subdivisions has made the understanding difficult. We would propose to revise the paragraph by making the following changes (*italics are comments only*)

Proposed change to 172.202

(5) Except for empty packagings (see Sec. 173.29 of this subchapter), cylinders for Class 2 materials and bulk packagings, the total quantity of hazardous materials covered by the description (by volume or mass, as appropriate) of each hazardous material bearing a different proper shipping name, UN number or packing group must be indicated together with the appropriate units of measurement. Abbreviations may be used to specify the unit of measurement for the total quantity (for example, 200 kgs).

- (i) For Class 1 (explosive) materials, the quantity must be the net explosive mass.
~~For shipments of packages in an overpack or transport unit (for example, freight container), this information must be provided for each hazardous material in each package within the overpack or transport unit. This section is not needed if an indication of number and type of packages is required.~~
- (ii) For hazardous materials transported in salvage packagings, an estimate of the quantity must be indicated.
- (iii) For cylinders for Class 2 materials and bulk packagings, indication of the total quantity must be shown (for example, ``10 cylinders," ``2 IBCs," or ``1 cargo tank").

(6) The number of packages and type of packages (for example, drum, box, jerrican, etc.) must also be indicated ***either before or after the basic description***.

- It is important to make the distinction between the current requirement for the total mass for each description, which has historically followed the basic description, and the new requirement for indicating the packages comprising each description. Shipping papers generated by PPG indicate the number and type of packages before each description. If we are restricted to including this information with the weight of the hazardous materials, all computer systems would have to be completely reprogrammed and all shipping paper forms would have to be redesigned. The current shipping paper systems have evolved over many years and such a restrictive change to package type indication (which has been optional in the past) would cost shippers millions of dollars with no safety benefit.

Section 172.301

The last sentence in subparagraph (a)(1) needs to be revised to read, "Identification numbers are not required on packages which contain only ORM-D materials."

References to the exception for identification number marking of limited quantities will be obsolete with the introduction of section 172.315

Section 172.315

PPG welcomes the harmonization of limited quantity packages under the HMR with the UN Recommendations and IMDG Code but feels that the transition period for the shipment of previously marked limited quantity packages is too short (October 1, 2004). As stated in the comments under 172.14, a three-year transition period would seem more appropriate so that limited quantity packages already filled do not have to be remarked for domestic shipment.

Section 172.323

We realize that the air eligibility mark is the result of ICAO regulatory changes but the application of this marking just places another burden on an already demanding shipping process. All of the personnel at PPG that make air shipments have been sensitized to the importance of full compliance when making air shipments.

Packaging manufacturers will be wary of preprinting air eligibility marks without intimate knowledge of the products shipped. The air shipment certification signed by the shipper already certifies that the package meet all requirements for air shipment.

Section 173.24

PPG does not agree with the proposed wording in the second sentence under (f)(1); "Screw-type closures on packagings must be secured to prevent the closures from loosening due to vibration or substantial change in temperature". The present subparagraphs (i) and (ii) contain a performance standard for closures and the proposed vague prescriptive requirement for securement of screw-type closures is unnecessary. If the intention is to require something additional for all screw-type closures, this will have major impact on all package filling lines. This sentence makes a presumption that screw-type closures are not secure in and of themselves.

Section 173.225

The following entry, which was deleted in the HM-215D rule, should be reinserted into the Organic Peroxide Table. This organic peroxide mixture is in the UN Recommendations Table of Organic Peroxides and is authorized under DOT Approval OP 9205007.

Technical Name	ID number	Concentration	Diluent A	Packaging Method	Temperatures	
					Control	Emergency
Isopropyl, sec-Butyl Peroxydicarbonate + Di-sec-Butyl Peroxydicarbonate + Diisopropyl peroxydicarbonate	UN3115	<= 32 + <= 15-18 + <= 12-15	>=38	OP7	-20	-10

Section 178.2

The last sentence proposed in subparagraph (c)(1)(ii) should not be included in this section. As we have stated in previous communications, the pressure-differential capability needed by a given packaging is dependent on the material packaged and the packaging manufacturer cannot determine full compliance. Single packages for containing liquids are tested and marked with a pressure test rating, which may or may not be suitable for air shipment. It is up to the shipper to determine if a packaging is (a) suitable for air shipment based on its size and (b) has the appropriate pressure test capability to contain the particular hazardous material packaged.

Thank you for the opportunity for PPG to comment on this important rulemaking.

Sincerely,

S. Wayne Fast, Jr.

Cc: Mr. Robert Richard – DOT

Mr. Frits Wybenga – DOT